

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-THIRD DAY — TUESDAY, MAY 19, 2015

The house met at 11:25 a.m. and, at the request of the speaker, was called to order by Representative Sheets.

The roll of the house was called and a quorum was announced present (Record 1197).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Moody.

(Moody now present)

## LEAVES OF ABSENCE GRANTED

On motion of Representative S. Thompson and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

**RULES SUSPENDED**

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

**MOTION FOR ONE RECORD VOTE**

On motion of Representative Burkett and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following the bill number).

(Record 1198): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

**HB 1459**

**HB 4158**

**HB 4178**

**HB 4179**

**HB 4196**

**HB 4204**

**HB 4206**

**SB 60**

**SB 292**

**SB 308** (Schaefer, Simpson, and Stickland - no) (143 - 3 - 2)

**SB 363**

**SB 383**

**SB 408** (Burrows - no) (145 - 1 - 2) (Springer requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 431**

**SB 450**

**SB 462**

**SB 463**

**SB 540**

**SB 607**

**SB 680**

**SB 685**

**SB 737**

**SB 783** (Springer requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 853**

**SB 854**

**SB 862**

**SB 864**

**SB 866** (Krause, Rinaldi, Stickland, Tinderholt, and M. White - no) (141 - 5 - 2)

**SB 871**

**SB 875** (Krause and Schaefer - no) (144 - 2 - 2)

**SB 949**

**SB 956** (Tinderholt and M. White - no) (144 - 2 - 2)

**SB 978**

**SB 1008**

**SB 1020**

**SB 1075** (Rinaldi and Schaefer - no) (144 - 2 - 2)

**SB 1148** (Krause and Tinderholt - no) (144 - 2 - 2)

**SB 1203**

**SB 1204**

**SB 1235** (Simpson and M. White - no) (144 - 2 - 2)

**SB 1279**

**SB 1281**

**SB 1427**

**SB 1448** (Rinaldi - no) (145 - 1 - 2) (Springer requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1485**

**SB 1554**

**SB 1587** (Flynn, Schaefer, and Zedler - no) (143 - 3 - 2)

**SB 1654**

**SB 1766**

**SB 1779**

**SB 2054**

**SB 914** (Tinderholt - no) (145 - 1 - 2)

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative T. King and by unanimous consent, the reading and referral of bills was postponed until just prior to final adjournment.

### **GENERAL STATE CALENDAR**

#### **SENATE BILLS**

#### **THIRD READING**

The following bills were laid before the house and read third time:

#### **SB 876 ON THIRD READING**

**(Frullo - House Sponsor)**

**SB 876**, A bill to be entitled An Act relating to the licensing of insurance agents and adjusters; providing a penalty.

**SB 876** was passed by (Record 1199): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Martinez Fischer.

**SB 455 ON THIRD READING**  
**(Schofield - House Sponsor)**

**SB 455**, A bill to be entitled An Act relating to special three-judge district courts convened to hear certain cases.

**SB 455** was passed by (Record 1200): 95 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Faircloth; Fallon; Farney; Fletcher; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Herrero; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farrar; Flynn; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Wu.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

### **STATEMENTS OF VOTE**

When Record No. 1200 was taken, I was shown voting no. I intended to vote yes.

Elkins

When Record No. 1200 was taken, I was shown voting no. I intended to vote yes.

Flynn

When Record No. 1200 was taken, I was shown voting yes. I intended to vote no.

Herrero

When Record No. 1200 was taken, I was shown voting yes. I intended to vote no.

Walle

### **SB 1697 ON THIRD READING**

**(Smithee, Elkins, Fallon, and Rinaldi - House Sponsors)**

**SB 1697**, A bill to be entitled An Act relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

### **SB 1697 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CANALES: This got by me yesterday, and I didn't have the opportunity to ask you some questions. We were conducting business rather quickly. This is an extremely important bill, representative. I've got a few questions. If this bill passes, what information will be available to the public?

REPRESENTATIVE SMITHEE: Well, all the information that's available now, in essence. Any information—and this deals with the pharmaceutical that is used in the execution when capital punishment has been ordered. Right now, all information regarding the manufacture, compounding, distribution, the testing, the protocol—everything is available to anyone by an open records request. The only thing that this bill does is says that the identity of the people and the

companies actually involved in the actual execution will be kept confidential. This has always been the law in Texas, and it's only recently that people have begun to challenge this. All we're trying to do is protect individuals from threats and of physical violence. And that's really all the bill's about.

CANALES: Will the expiration date of the death serum be available to the public?

SMITHEE: Certainly, yes.

CANALES: What about the dosage amounts?

SMITHEE: Yes.

CANALES: Okay, and the potency?

SMITHEE: Yes. All the information regarding the actual pharmaceutical or the compound will be available to the general public by an open records request.

CANALES: More so than anything, I'd like a record—so if you'll bear with me. What about the contamination testing?

SMITHEE: Yes, any testing that's done will be available.

CANALES: More importantly, will defense counsel of somebody who's been sentenced to death—will they have access to any of the withheld information?

SMITHEE: Well, they'll have access to all the information except the identity of the people involved. They won't have access to that.

CANALES: I wasn't there at your committee hearing, but I had a bill that did the exact opposite that this bill does. Are you aware that the American Bar Association unanimously adopted a resolution this February urging states to require public disclosure of all relevant information regarding execution procedures?

SMITHEE: Well, we do disclose all of the information except just the identity of names, and that's to protect the safety of individuals.

CANALES: Under your bill, how will the defense note if there is a problem with the compounding facility or the testing facility?

SMITHEE: Well, they'll have access to all the protocols, to all the testing. They'll have access to all of the quality control records that are out there. The state actually gets those now to make sure that the pharmaceutical that's involved is purer and that it is free from defect.

CANALES: Let me touch on the Public Information Act. That simply requires the disclosure of records in the governance process, correct? The Public Information Act?

SMITHEE: Yes. Well, the open records would require TDCJ to turn over all non-exempt or privileged information in their possession—or whichever agency is involved.

CANALES: In this case, chairman, the Public Information Act doesn't require testing the drugs, correct?

SMITHEE: That part doesn't require testing the drugs, but the testing of the drugs is done as a normal procedure. And I think every state in the country requires a testing regimen to be conducted to ensure that the drugs are free from defect.

CANALES: Is it true, chairman, that there's no requirement that TDCJ or its contractors test the drug, the lethal injection, the death serum?

SMITHEE: I don't know if there's a requirement or not, but they do as a matter of practice. They either test it or require independent testing before they purchase it or administer it.

CANALES: So on that grounds, Texas could simply stop testing, and we would have no idea.

SMITHEE: Well, that's really not the subject of this bill. There could be another bill to require that. That hasn't been a problem in the past, and I don't know why it would in the future. In fact, I think the state's trying to ensure that when it does conduct an execution that it be done according to an accepted protocol and is done properly.

CANALES: It's my understanding that government agencies can already withhold information when there's a threat to someone's safety, that those measures already exist. Is that correct, or am I wrong in stating that?

SMITHEE: That's always been the case here in Texas, and that's why this bill doesn't really change anything about what has been the law here in Texas. It's just that in the last year or two you've had courts that have ordered this information disclosed, and now those orders have been stayed temporarily, but I think the courts are waiting to see what the legislature does in this regard.

CANALES: So TDCJ has already been withholding the information?

SMITHEE: That's been the general practice—to withhold this very limited, this sliver of information.

CANALES: The Texas court found that threats that prompted your bill have been unfounded on summary judgment, meaning that they didn't have or believe that TDCJ had enough evidence to even warrant a trial. Is that correct?

SMITHEE: Well, here's the problem. There have not been direct threats that I'm aware of here in Texas, but most of the pharmaceuticals are manufactured outside Texas, and so your threats would not occur in Texas. The reality is that almost none of the manufacturers or compounders will sell this drug to Texas or any other state right now. This isn't just Texas, it's everybody, because of threats of violence, firebombings, and other acts of violence. And so that's not right.

CANALES: Sure, and I agree with you in the aspect of what violence is, and we're trying to prevent that. In your bill I understand what the goal is, but when a court says there's not even enough evidence on summary judgment to uphold even going to trial—and I guess your response to me was these companies aren't from Texas. That's never stopped a court from issuing or granting a summary judgment. And I guess my question then becomes, were the companies that we're trying to protect from violence—were they part of these trials?

SMITHEE: I don't know if they were or not. I don't have that information, but I know that virtually all manufacturers and virtually all of the pharmacies that are able to compound any kind of compounding that goes on are on hold right now because of the threats that have been made against them of physical violence.

CANALES: Are you aware of any prosecution in the State of Texas or any other state dealing with threats to death penalty serum manufacturers?

SMITHEE: I'm not aware of any specific, but I don't know that there haven't been. All I know is that, right now, the manufacturers won't sell it because of concerns about the safety of their employees.

CANALES: And is it true that a vast majority of states that use the death penalty do not have provisions making that information secret?

SMITHEE: I think more and more are going to that right now. Traditionally, that's never been a real issue until just the last couple of years when some extremists have tried to get a hold of these names for the wrong reason.

CANALES: Okay, let's go back. The question I had earlier was, are you aware of any instances? And you said no. So now you're stating that there's extremists, and my question becomes—what instances are you talking about?

SMITHEE: Well, specifically, I can't stand up here right now and give you a particular name of someone, but I can tell you there have been threats made. This is not just an imagined problem. And as a result of that, it's very difficult for Texas or any other state to acquire the drug that is used in these executions because of fear of possible repercussions.

CANALES: At what point, chairman, do you think the liberty and the right of people to know information is trumped by a corporation's existence and safety?

SMITHEE: If I have access to all the testing protocol, to all the quality assurance, every bit of information—volumes of information about not only this drug as a whole, but this specific dosage that was administered—why do I have any interest in knowing the name of the person who administered it or who compounded it?

CANALES: My question becomes—I think you do, and I think somebody would have an interest, especially the person getting injected. So I think if the State of Texas, or any state for that matter, is going to put you to death, I think for all intents and purposes, it's your right to know who made the drug that's going to kill you. You don't believe that?

SMITHEE: Well, I don't think it's necessary information. I don't think that's essential information. I think the essential information is the quality information relating to the testing and the purity of the product that's involved.

CANALES: And here I guess we have a fundamental difference in opinion as to what's available to us because I never thought in the United States or in Texas that necessary is the standard for information to which an American citizen is entitled. So your position is that it has to be necessary information for us to have access to it.

SMITHEE: No, it's a balancing act. It's a balancing process that you go through. And I think when you balance the advantages of public disclosure as opposed to the dangers of public disclosure—in this situation, the dangers of public disclosure wins. And that's why I think this bill's necessary.

CANALES: The danger to us? Or the danger to a company that we don't have any idea of any threats or concrete evidence—in fact, the courts have ruled that there's not even enough to hold up for a trial.

SMITHEE: I'm not talking about a danger to a company. I'm talking about a danger to individuals, and one of the other things this bill does is protect the TDCJ employee who is called upon to perform the execution. We, as a state, have mandated that they do that, and we're very fortunate that we have employees who are willing to do that, and they should not be subject to threats or violence because of this.

CANALES: Are we supposed to make companies threat-proof? There's companies, for instance, that have had dangerous products. I mean, should we guard Blue Bell now because people have died?

SMITHEE: I think it's a balancing process. I'll give you an example—there's probably no one any more opposed to abortion than I am, but if people were making threats of firebombing abortion clinics or manufacturers, I would be joining you to protect those individuals because that's not right to threaten, to kill people just because they're performing an activity that I disagree with. This is just about trying to protect innocent people who are doing their job, and that's really all it's about. It's not a capital punishment debate or anything.

CANALES: Mr. Smithee, I really admire you, and I've had a great relationship with you here in the legislature, and I think you're a fantastic representative. I have to wholeheartedly disagree with this bill, and, you know, I guess that's what we do here, is we have fundamental differences on things. With all due respect, I think that liberty and the public's right to know should never be trumped, especially with information. I do have some concessions when it comes to the employees, those people—I think that may have some merit. But I believe that when it comes to corporations and hiding who they are, for-profit corporations—I believe that this is something that comes with the territory. If you want to sell drugs that we inject to kill people, I think that you sleep in the bed you make. And so with all due respect, I wholeheartedly disagree with your bill, but thank you for answering my questions.

SMITHEE: The respect is mutual, and I know that your position is sincerely held, and I certainly don't disrespect your position on it.

(Speaker in the chair)

### **REMARKS ORDERED PRINTED**

Representative Canales moved to print remarks between Representative Smithee and Representative Canales.

The motion prevailed.

**SB 1697** was passed by (Record 1201): 99 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Raymond; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Márquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Thompson, S.; Turner, C.; Vo; Walle; White, J.; Wu.

Present, not voting — Mr. Speaker(C); Stickland.

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Tinderholt.

#### **STATEMENT BY REPRESENTATIVE J. WHITE REASON FOR VOTE**

The ultimate purpose of government is to preserve and expand individual liberty. In order to do this, we arm government with the power to take the most important inalienable right that is indispensable in enjoying liberty: Life. Serving as the vice-chair of the Committee on Corrections, I have performed legislative oversight functions by observing an execution. TDCJ conducts this statutory function admirably.

However, the issue here involves transparency. Apparently, the pharmaceutical companies involved have received credible threats because they supply the drugs. No doubt, this is lawlessness. I am supportive of providing our local juries and district attorneys with the tools to seek justice for the most heinous crimes. These threats interfere with the ability of government to fulfill its vital role on ensuring justice in order to expand and preserve individual liberty.

On the other hand, this does not provide license for the government to butcher one essential element of free society (accountability/transparency) in order to achieve another goal (justice). Limiting oxygen of one limits the oxygen of all. Transparency needs justice, and justice is essential for transparency to exist. We can do better.

During the layout of the bill, I asked the bill's author, Chairman Smithee, about the prospect of elected members of the state government owning or working for the pharmaceutical company preparing the drugs actually voting on legislation related to the death penalty. Just think, even though elected state officers are required to submit personal financial statements, it is not clear that with this cloud of anonymity on the corporate entity, an elected official could mask economic interests from the citizens of Texas. I think we can do better, and I hope as the procedures are put in place, we find a way for justice and transparency to thrive concurrently.

Just think, politicians are legislating bills to expose "dark money" contributors for the sake of transparency and justice in our electoral process. However, we are comfortable with "dark vending" potentially by elected officials or their family members. What is the precedent here? A standardized testing company receives threats from angry mothers, teachers, and students opposing "high-stakes testing." Does this mean that the testing company can seek anonymity? Anti-toll forces threaten companies that build and operate toll roads. Can they receive anonymity? Or how about this one: What if there is an abortion provider or someone connected to an abortion provider doing indigent women's health services that receives threats? Could they also ask for anonymity?

### **SB 20 ON THIRD READING**

#### **(Price, Cook, Raymond, and Kuempel - House Sponsors)**

**SB 20**, A bill to be entitled An Act relating to state agency contracting; authorizing fees; creating an offense.

#### **Amendment No. 1**

Representative Simmons offered the following amendment to **SB 20**:

Amend **SB 20** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2161.001(3), Government Code, is amended to read as follows:

(3) "Economically disadvantaged person" means a person who:

(A) is economically disadvantaged because of the person's identification as a member of a certain group, including:

- (i) Black Americans;
- (ii) Hispanic Americans;
- (iii) women;
- (iv) Asian Pacific Americans;
- (v) Native Americans; ~~and~~
- (vi) veterans as defined by 38 U.S.C. Section 101(2) who have

suffered at least a 20 percent service-connected disability as defined by 38 U.S.C. Section 101(16); and

(vii) persons with a disability as defined by 42 U.S.C. Section 12102; and

(B) has suffered the effects of discriminatory practices or other similar insidious circumstances over which the person has no control.

SECTION \_\_\_\_\_. Section 2161.002, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The comptroller shall adopt rules to provide goals for increasing the contract awards for the purchase of goods or services by the commission and other state agencies to businesses that qualify as historically underutilized businesses because the businesses are owned or owned, operated, and controlled, as applicable, wholly or partly by one or more persons with a disability as defined by 42 U.S.C. Section 12102. The goals established under this subsection are in addition to the goals established under Subsections (c) and (d), and the goals established under Subsections (c) and (d) may not be reduced as a result of the establishment of goals under this subsection.

SECTION \_\_\_\_\_. Section 2161.061, Government Code, is amended by adding Subsection (f) to read as follows:

(f) To be certified by the commission as a historically underutilized business, a business owned by one or more persons who qualify as economically disadvantaged solely based on being a person with a disability must submit to the commission an affidavit from the physician of each owner claiming a disability verifying that owner's disability.

SECTION \_\_\_\_\_. Section 2161.125, Government Code, is amended to read as follows:

Sec. 2161.125. CATEGORIZATION OF HISTORICALLY UNDERUTILIZED BUSINESSES. The comptroller, in cooperation with each state agency reporting under this subchapter, shall categorize each historically underutilized business included in a report under this subchapter by sex, race, and ethnicity and by whether the business qualifies as a historically underutilized business because it is owned or owned, operated, and controlled, as applicable, wholly or partly by one or more persons with a disability as defined by 42 U.S.C. Section 12102 or one or more veterans as defined by 38 U.S.C. Section 101(2) who have suffered at least a 20 percent service-connected disability as defined by 38 U.S.C. Section 101(16).

Amendment No. 1 was adopted. (Phillips and Rinaldi recorded voting no.) (The vote was reconsidered later today, and Amendment No. 1 was amended and was adopted.)

## **Amendment No. 2**

Representative Cook offered the following amendment to **SB 20**:

Amend **SB 20** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2155.145, Government Code, is amended to read as follows:

Sec. 2155.145. CERTAIN PURCHASES REGULATED BY TEXAS [NATURAL RESOURCE CONSERVATION] COMMISSION ON ENVIRONMENTAL QUALITY. (a) The Texas [Natural Resource Conservation]

Commission on Environmental Quality is delegated all purchasing functions relating to the administration of Subchapters F and I, Chapter 361, Health and Safety Code, subject to the rules adopted by the commission under Section 2155.132(c).

(b) The chief auditor of the Texas Commission on Environmental Quality shall select a subset of contracts and conduct an annual financial review of contracts subject to review and approval by the commission's executive director under Subchapter F, Chapter 401, Health and Safety Code, and submit a report on the financial review to the comptroller.

SECTION \_\_\_\_\_. Section 2155.145(b), Government Code, as added by this Act, applies to a contract entered before, on, or after the effective date of this Act.

Amendment No. 2 was adopted. (The vote was reconsidered later today, and Amendment No. 2 was withdrawn.)

Representative Price moved to postpone consideration of **SB 20** until 12:57 p.m. today.

The motion prevailed.

### **SB 461 ON THIRD READING (Parker - House Sponsor)**

**SB 461**, A bill to be entitled An Act relating to false or misleading packaging, labeling, or advertising of certain abusable synthetic substances; providing civil penalties; creating a criminal offense.

**SB 461** was passed by (Record 1202): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; McClendon.

### **SB 55 ON THIRD READING**

**(S. King - House Sponsor)**

**SB 55**, A bill to be entitled An Act relating to the creation of a grant program to support community mental health programs for veterans with mental illness.

Representative Price moved to postpone consideration of **SB 55** until 12:20 p.m. today.

The motion prevailed.

### **SB 339 ON THIRD READING**

**(Klick, Zerwas, Zedler, Coleman, Sheffield, et al. - House Sponsors)**

**SB 339**, A bill to be entitled An Act relating to the medical use of low-THC cannabis and the regulation of related organizations and individuals; requiring a dispensing organization to obtain a license to dispense low-THC cannabis and any employee of a dispensing organization to obtain a registration; authorizing fees.

### **SB 339 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CROWNOVER: Representative Klick, I know you have worked long and hard on this bill and talked with many of the stakeholders. And it is a very carefully crafted bill that's really quite interesting to read the entire thing. The only confusion in my little area over there was the growing of the product. Would you like to address that?

REPRESENTATIVE KLICK: Yes, the growers of the product have to be licensed by DPS. This is not something that someone's going to grow in their backyard. These are licensed producers and cultivators.

CROWNOVER: And also, I was confused about how they got this low-THC. I thought maybe they took the THC out, and I was wondering where they put it or who used it, but you told me about the different varieties of plants.

KLICK: That's correct. It's kind of like the difference between red roses and yellow roses. They're both roses, but one has different features and characteristics than the other. There are varieties of the cannabis plant that are naturally low in THC, which is the substance that you see that causes the high or the euphoria.

CROWNOVER: So a limited number of growers would be given a license to grow this particularly low-THC plant?

KLICK: That's correct, and there's oversight all along the way.

CROWNOVER: And if somebody broke into their greenhouse and stole this low-THC—there's not any high in smoking it, is there?

KLICK: They're going to be very disappointed if they're hoping to get high from it because this is the non-euphoric form of the plant. It has no street value and a very low risk of abuse.

### REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks between Representative Crownover and Representative Klick.

The motion prevailed.

**SB 339** was passed by (Record 1203): 108 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bernal; Blanco; Bohac; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Fallon; Farias; Farney; Farrar; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; King, K.; King, S.; King, T.; Klick; Krause; Kuempel; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Parker; Peña; Phelan; Pickett; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Sheets; Sheffield; Simmons; Simpson; Spitzer; Springer; Stephenson; Stickland; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Button; Craddick; Cyrier; Dale; Darby; Elkins; Fletcher; Flynn; Keffer; Keough; King, P.; Koop; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Murr; Paddie; Paul; Phillips; Price; Schubert; Shaheen; Smith; Smithee; Thompson, E.; Turner, E.S.; Vo; Wray.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

### STATEMENTS OF VOTE

When Record No. 1203 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1203 was taken, I was shown voting no. I intended to vote yes.

Button

When Record No. 1203 was taken, I was shown voting no. I intended to vote yes.

Smith

**SB 169 ON THIRD READING**  
**(S. King - House Sponsor)**

**SB 169**, A bill to be entitled An Act relating to ensuring that certain military members and their spouses and dependents maintain their positions on interest lists or other waiting lists for certain health and human services assistance programs.

**SB 169** was passed by (Record 1204): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Phelan; Sheets.

**STATEMENT OF VOTE**

When Record No. 1204 was taken, I was in the house but away from my desk. I would have voted yes.

Phelan

**SB 912 ON THIRD READING**  
**(Crownover - House Sponsor)**

**SB 912**, A bill to be entitled An Act relating to a volume-based exemption from reporting requirements for certain accidental discharges or spills from wastewater facilities.

**SB 912** was passed by (Record 1205): 143 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Collier; Isaac; Minjarez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

**STATEMENT OF VOTE**

When Record No. 1205 was taken, I was shown voting yes. I intended to vote no.

Romero

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**SB 268 ON SECOND READING**  
**(Anchia - House Sponsor)**

**SB 268**, A bill to be entitled An Act relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

**SB 268** was read second time on May 12, postponed until May 18, and was again postponed until 6 a.m. today.

Representative Anchia moved to postpone consideration of **SB 268** until 6 a.m. tomorrow.

The motion prevailed.

**MAJOR STATE CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 212 ON SECOND READING  
(Burkett and Raymond - House Sponsors)**

**CSSB 212**, A bill to be entitled An Act relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the Texas Workforce Commission.

**Amendment No. 1**

Representative Burkett offered the following amendment to **CSSB 212**:

Amend **CSSB 212** as follows:

(1) On page 3, strike line 14 through line 16 and replace with "(3) the executive commissioner of the health and human services commission or designee; and"

(2) On page 6, strike line 15 through line 17 and replace with "(1) The workforce commission shall provide administrative support to the advisory committee."

Amendment No. 1 was adopted.

**CSSB 212**, as amended, was passed to third reading.

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**SB 782 ON SECOND READING  
(Smithee - House Sponsor)**

**SB 782**, A bill to be entitled An Act relating to the investigation by the commissioner of insurance of acts of insurance fraud.

**SB 782** was passed to third reading.

**SB 318 ON SECOND READING  
(S. King - House Sponsor)**

**SB 318**, A bill to be entitled An Act relating to the amount the Texas Military Preparedness Commission may grant to local governmental entities for certain purposes.

**Amendment No. 1**

Representative S. King offered the following amendment to **SB 318**:

Amend **SB 318** (house committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 5), strike "436.202(b) and (c)" and substitute "436.202(a), (b), and (c)".

(2) In SECTION 1 of the bill, immediately preceding amended Section 436.202(b), Government Code (page 1, between lines 6 and 7), insert the following:

(a) From money appropriated for this purpose, the commission may make a grant to an eligible local governmental entity to:

(1) enable the entity to match money or meet an investment requirement necessary to receive federal assistance provided to the local governmental entity for responding to or recovering from an event described by Section 436.201(b);

(2) match the entity's contribution for a purpose described by Section 436.203 at a closed or realigned defense facility; ~~or~~

(3) construct infrastructure and other projects necessary to accommodate a new, ~~or~~ expanded, or retained military mission at a military base or to reduce the impact of an action of the United States Department of Defense that will negatively impact a defense facility located in or near the entity; or

(4) construct infrastructure and other projects necessary to prevent the reduction or closing of a defense facility.

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 436.203(c), Government Code, is amended to read as follows:

(c) An eligible local governmental entity described by Section 436.201(a)(3), ~~or~~ (4), or (5) may use the proceeds of the grant to purchase or lease equipment to train defense workers whose jobs have been threatened or lost because of an event described by Section 436.201(b) or to train workers to support the mission at military installations or defense facilities.

Amendment No. 1 was adopted.

**SB 318**, as amended, was passed to third reading. (C. Anderson recorded voting no.)

**SB 836 ON SECOND READING****(E. Rodriguez and Naishtat - House Sponsors)**

**SB 836**, A bill to be entitled An Act relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

**SB 836** was passed to third reading. (C. Anderson recorded voting no.)

**SB 880 ON SECOND READING**  
**(Geren - House Sponsor)**

**SB 880**, A bill to be entitled An Act relating to certain committees and programs to develop the wine industry in this state through the Department of Agriculture.

**Amendment No. 1**

Representative Geren offered the following amendment to **SB 880**:

Amend **SB 880** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 205.03(p), Alcoholic Beverage Code, is amended to read as follows:

(p) This section expires September 1, 2025 [~~2015~~].

Amendment No. 1 was adopted.

**SB 880**, as amended, was passed to third reading.

**SB 1657 ON SECOND READING**  
**(R. Miller - House Sponsor)**

**SB 1657**, A bill to be entitled An Act relating to approval of the issuance of tax and revenue anticipation notes.

**SB 1657** was passed to third reading.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**SB 55 ON THIRD READING**  
**(S. King - House Sponsor)**

**SB 55**, A bill to be entitled An Act relating to the creation of a grant program to support community mental health programs for veterans with mental illness.

**SB 55** was read third time earlier today and was postponed until this time.

**SB 55** was passed by (Record 1206): 136 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf;

Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raymond; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Schaefer; Shaheen; Simpson; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Faircloth; Keffer; Naishtat; Raney; Reynolds.

### STATEMENTS OF VOTE

When Record No. 1206 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

When Record No. 1206 was taken, I was shown voting yes. I intended to vote no.

Krause

### GENERAL STATE CALENDAR (consideration continued)

#### SB 1574 ON SECOND READING (Martinez - House Sponsor)

**SB 1574**, A bill to be entitled An Act relating to emergency response employees or volunteers and others exposed or potentially exposed to certain diseases or parasites.

#### Amendment No. 1

Representative Martinez offered the following amendment to **SB 1574**:

Amend **SB 1574** (senate engrossed version) as follows:

(1) Strike page 2, line 27, through page 3, line 2, and substitute the following:

(8) "Reportable disease" means a [includes only a] disease or condition included in the list of reportable diseases and includes a disease that is designated as reportable under Section 81.048.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 12.0127, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) To the extent allowed by federal law, the department shall provide an equal opportunity to request a waiver of the foreign country residence requirement for an individual described by Subsection (a) who agrees to practice medicine in:

- (1) an area that the department determines is affected by an ongoing exposure to a disease that is designated as reportable under Section 81.048;
- (2) a medically underserved area; or
- (3) a health professional shortage area.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Martinez offered the following amendment to **SB 1574**:

Amend **SB 1574** (house committee printing) as follows:

(1) On page 3, line 4, strike "81.012 and 81.013" and substitute "81.012, 81.013, and 81.014".

(2) On page 4, between lines 20 and 21, insert the following:

Sec. 81.014. INFECTIOUS DISEASE EMERGENCY. (a) In this section, "infectious disease emergency" means a state of emergency declared by the governor by proclamation or order in response to a public health threat that:

(1) is caused by an infectious disease that has resulted in or is likely to result in severe or life-threatening illness or death for those infected with the disease; and

(2) is not contained by current public health or medical interventions and results in a high rate of morbidity or mortality.

(b) If an infectious disease emergency is declared in this state, a facility designated by the state as a treatment center for the infectious disease is considered a governmental unit of the state for purposes of Chapters 101, 104, and 108, Civil Practice and Remedies Code, while performing services directly related to the infectious disease emergency. Any employee or contractor of the facility is considered to be an employee of a governmental unit of the state for purposes of Chapters 101, 104, and 108, Civil Practice and Remedies Code, while the employee or contractor is performing services on behalf of the designated facility directly related to the infectious disease emergency.

Amendment No. 2 was adopted.

**SB 1574**, as amended, was passed to third reading. (C. Anderson recorded voting no.)

### **RESOLUTIONS CALENDAR**

The chair laid before the house the following resolutions on committee report:

#### **HCR 90**

**(by Hunter, Lozano, Herrero, Morrison, and Fallon)**

**HCR 90**, Requesting the speaker and lieutenant governor to create a joint interim committee to study seawater desalination on the Texas coast.

**HCR 90** was adopted by (Record 1207): 138 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Keough; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Burns; Dukes; Giddings; King, S.; Naishtat; Turner, S.

#### STATEMENTS OF VOTE

When Record No. 1207 was taken, my vote failed to register. I would have voted yes.

Burns

When Record No. 1207 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

#### **HCR 96** (by Hunter)

**HCR 96**, Requesting the speaker of the house of representatives and the lieutenant governor to create a joint interim committee to study the issue of advertising public notices.

**HCR 96** was adopted by (Record 1208): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook;

Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Tinderholt.

### **SCR 13**

#### **(Anchia - House Sponsor)**

**SCR 13**, Urging the U.S. Congress to end the ban on crude oil exports.

**SCR 13** was considered in lieu of **HCR 57**.

**SCR 13** was adopted by (Record 1209): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Phelan.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Canales; Dukes; Guerra; McClendon.

**HCR 57 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Anchia moved to lay **HCR 57** on the table subject to call.

The motion prevailed.

**SCR 32**

**(Wu - House Sponsor)**

**SCR 32**, Urging Congress to expedite natural gas exports.

**SCR 32** was considered in lieu of **HCR 63**.

**SCR 32** was adopted by (Record 1210): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Bernal; Dukes; Martinez Fischer; Turner, S.

**HCR 63 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Wu moved to lay **HCR 63** on the table subject to call.

The motion prevailed.

**HCR 26**  
**(by Flynn, et al.)**

**HCR 26**, Urging the United States Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

**HCR 26** was adopted by (Record 1211): 116 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Márquez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Anchia; Blanco; Canales; Coleman; Collier; Farias; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Lucio; Martinez; Minjarez; Moody; Nevárez; Reynolds; Rodriguez, J.; Rose; Turner, C.; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Farrar; King, S.; Naishtat; Rodriguez, E.; Romero.

**STATEMENTS OF VOTE**

When Record No. 1211 was taken, I was shown voting yes. I intended to vote no.

Y. Davis

When Record No. 1211 was taken, I was shown voting yes. I intended to vote no.

Márquez

When Record No. 1211 was taken, I was shown voting yes. I intended to vote no.

Martinez Fischer

When Record No. 1211 was taken, I was in the house but away from my desk. I would have voted no.

E. Rodriguez

When Record No. 1211 was taken, my vote failed to register. I would have voted no.

Romero

When Record No. 1211 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

**HCR 74**  
**(by Y. Davis)**

**HCR 74**, Directing the Texas Water Development Board and the Texas Commission on Environmental Quality to support the creation of a model water recycling project in an appropriate location.

**HCR 74** was adopted by (Record 1212): 91 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Bernal; Blanco; Bohac; Burkett; Canales; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farney; Farrar; Fletcher; Frank; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Peña; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Smith; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Villalba; Vo; Walle; White, J.; Wu; Zerwas.

Nays — Anderson, R.; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Craddick; Darby; Faircloth; Fallon; Flynn; Frullo; Goldman; Kacal; Keough; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, R.; Murphy; Murr; Paddie; Parker; Paul; Phelan; Price; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Sheets; Simmons; Simpson; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Phillips.

**HCR 107**  
**(by Hunter)**

**HCR 107**, Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

**HCR 107** was adopted by (Record 1213): 144 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

**HCR 109**  
**(by Paul, R. Miller, and G. Bonnen)**

**HCR 109**, Urging Congress to encourage the Department of Defense to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston.

Representative Paul moved to postpone consideration of **HCR 109** until 12 p.m. tomorrow.

The motion prevailed.

**SB 836 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Aycock, Representative Naishtat was authorized as a house sponsor to **SB 836**.

**HR 1508****(by T. King and C. Anderson)**

**HR 1508**, Expressing support for the use of sound science to study and regulate modern agricultural technologies and opposition to legislative or regulatory action that may result in unnecessary restrictions on the technologies.

**HR 1508 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ZEDLER: Representative King, I was just curious as to what was the particular thing that drove this particular need for this resolution.

REPRESENTATIVE T. KING: Well, this resolution was brought to me by the agriculture industry and related industries. What it was is that they want to make sure that the federal government—particularly the EPA, the Environmental Protection Agency—uses sound science before they issue orders restricting the use of certain types of products that are used heavily in the agriculture industry and create a scare—sometimes needlessly.

ZEDLER: Okay, and so this really doesn't have anything to do with any kind of studies or whatever that may relate to organic farming or the ability to have or not to have genetically modified foods or anything like that?

T. KING: No, sir. This simply says that before the federal government makes a decision to outlaw a product or not outlaw a product or something like that, that they use sound science and make sure they studied it before they do it. Because it wreaks devastation on the different types of industries whenever they do something like and they find out later—it's almost the ask forgiveness rather than permission mantra. And it's just not right.

ZEDLER: In other words, what's happened in the past is sometimes the EPA or something has come in, stopped something without any real evidence behind it?

T. KING: Oh, that's absolutely right. We've seen—you know, you had the mad cow disease, you had the apple scare years ago. And then there's certain organizations that they call environmental, all the folks that are opposed to any kind of technology, and they get involved in that and help them promote that also. So it's a bad practice.

(Kuempel in the chair)

**REMARKS ORDERED PRINTED**

Representative Zedler moved to print remarks between Representative T. King and Representative Zedler.

The motion prevailed.

**HR 1508** was adopted by (Record 1214): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel;

Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson; Tinderholt.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; McClendon; Reynolds; Sanford.

#### STATEMENT OF VOTE

When Record No. 1214 was taken, I was shown voting yes. I intended to vote no.

Zedler

#### HB 2154 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Dutton called up with senate amendments for consideration at this time,

**HB 2154**, A bill to be entitled An Act relating to the functions and operation of the State Office of Administrative Hearings.

Representative Dutton moved to concur in the senate amendments to **HB 2154**.

The motion to concur in the senate amendments to **HB 2154** prevailed by (Record 1215): 139 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano;

Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Darby; Krause; Rinaldi; Simpson.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Sheffield.

### STATEMENT OF VOTE

When Record No. 1215 was taken, I was shown voting no. I intended to vote yes.

Bell

### Senate Committee Substitute

**CSHB 2154**, A bill to be entitled An Act relating to the functions and operation of the State Office of Administrative Hearings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2001.058, Government Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) On making a finding that a party to a contested case has defaulted under the rules of the State Office of Administrative Hearings, the administrative law judge may dismiss the case from the docket of the State Office of Administrative Hearings and remand it to the referring agency for informal disposition under Section 2001.056. After the case is dismissed and remanded, the agency may informally dispose of the case by applying its own rules or the procedural rules of the State Office of Administrative Hearings relating to default proceedings. This subsection does not apply to a contested case in which the administrative law judge is authorized to render a final decision.

SECTION 2. Section 2003.023, Government Code, is amended to read as follows:

Sec. 2003.023. SUNSET PROVISION. The State Office of Administrative Hearings is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which state agencies abolished in 2027 [~~2015~~] and every 12th year after 2027 [~~2015~~] are reviewed.

SECTION 3. Section 2003.024, Government Code, is amended by amending Subsections (a), (a-2), (c), and (d) and adding Subsection (a-3) to read as follows:

(a) If a state agency referred matters to the office during any of the three most recent state fiscal years for which complete information about the agency's hourly usage is available and the costs to the office of conducting hearings and alternative dispute resolution procedures for the state agency are not to be paid by appropriations to the office during a state fiscal biennium, the office and the agency shall enter into an interagency contract for the biennium under which the referring agency pays the office either a lump-sum amount[;] at the start of each fiscal year of the biennium or a fixed amount at the start of each fiscal quarter of the biennium for all services provided to the agency~~[, a lump-sum amount to cover the costs of conducting all hearings and procedures]~~ during the fiscal year. The office shall report to the Legislative Budget Board any agency that fails to make a timely payment under the contract. The lump-sum or quarterly amount paid to the office under the contract must be based on:

(1) an hourly rate that is set by the office:

(A) in an amount that sufficiently covers the office's full costs in providing services to the agency, including costs for items listed in Subsection (c)(2); and

(B) in time for the rate to be reviewed by the legislature, as part of the legislature's review of the office's legislative appropriations request for the biennium, in determining the office's legislative appropriations for the biennium; and

(2) the anticipated hourly usage of the office's services by the referring agency for each fiscal year of the biennium, as estimated by the office under Subsection (a-1).

(a-2) The office, for a contract entered into as provided by Subsection (a) under which a quarterly amount is paid by the referring agency to the office, shall:

(1) track the agency's actual hourly usage of the office's services during each fiscal quarter; and

(2) forecast, after each fiscal quarter, the agency's anticipated hourly usage for the rest of the fiscal year.

(a-3) If a state agency did not refer matters to the office during any of the three state fiscal years preceding a state fiscal biennium for which complete information about the agency's hourly usage would have been available and did not provide information to the office sufficient for the office to reasonably and timely estimate anticipated usage and enter into a contract with the agency before the start of the state fiscal biennium, and the costs to the office of conducting hearings and alternative dispute resolution procedures for the state agency are not paid by appropriations to the office for the state fiscal biennium, the referring agency shall pay the office the costs of conducting hearings or procedures for the agency based on the hourly rate that is set by the office under Subsection (a) and on the agency's actual usage of the office's services.

(c) Each state fiscal biennium, the office as part of its legislative appropriation request shall file:

(1) information, as estimated under Subsection (a-1), related to the anticipated hourly usage of each state agency that refers matters to the office for which the costs of hearings and alternative dispute resolution procedures are anticipated to be paid by appropriations to the office; and

(2) an estimate of its hourly costs in conducting each type of hearing or dispute resolution procedure~~[-The office shall estimate the hourly cost]~~ based on the average cost per hour during the preceding state fiscal year of:

(A) the salaries of its administrative law judges;

(B) the travel expenses, hearing costs, and telephone charges directly related to the conduct of a hearing or procedure; and

(C) the administrative costs of the office, including docketing costs ~~[and the administrative costs of the division of the office that conducts the hearing or procedure]~~.

(d) This section does not apply to hearings conducted:

(1) under Section 2003.047 or 2003.049 ~~[by the natural resource conservation division or the utility division]~~; or

(2) under the administrative license revocation program.

SECTION 4. Subchapter B, Chapter 2003, Government Code, is amended by adding Section 2003.025 to read as follows:

Sec. 2003.025. REQUIRED INFORMATION REGARDING ANTICIPATED HOURLY USAGE. (a) This section applies to a state agency that has entered into a contract with the office for the conduct of hearings and alternative dispute resolution procedures for the agency, including a contract under Section 2003.024, 2003.048, 2003.049, or 2003.105, during any of the three most recent state fiscal years.

(b) On a date determined by the office before the beginning of each state fiscal biennium, a state agency to which this section applies shall submit to the office and the Legislative Budget Board information regarding the agency's anticipated hourly usage of the office's services for each fiscal year of that biennium.

SECTION 5. Section 2003.0421(c), Government Code, is amended to read as follows:

(c) This section applies to any contested case hearing conducted by the office, except hearings conducted on behalf of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality or the Public Utility Commission of Texas which are governed by Sections 2003.047 and 2003.049.

SECTION 6. The heading to Section 2003.047, Government Code, is amended to read as follows:

Sec. 2003.047. HEARINGS FOR TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ~~[NATURAL RESOURCE CONSERVATION DIVISION]~~.

SECTION 7. Sections 2003.047(a), (b), and (c), Government Code, are amended to read as follows:

(a) The office shall ~~[establish a natural resource conservation division to]~~ perform ~~[the]~~ contested case hearings for the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(b) The office ~~[division]~~ shall conduct hearings relating to contested cases before the commission, other than a hearing conducted by one or more commissioners. The commission by rule may delegate to the office ~~[division]~~ the responsibility to hear any other matter before the commission if consistent with the responsibilities of the office ~~[division]~~.

(c) ~~[Only an administrative law judge in the division may conduct a hearing on behalf of the commission. An administrative law judge in the division may conduct hearings for other state agencies as time allows.]~~ The office may ~~[transfer an administrative law judge to the division on a permanent or temporary basis and may]~~ contract with qualified individuals to serve as temporary administrative law judges as necessary.

SECTION 8. Section 2003.048, Government Code, is amended to read as follows:

Sec. 2003.048. TEXAS ~~[NATURAL RESOURCE CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY HEARINGS FEE. The office shall charge the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality a fixed annual fee rather than an hourly rate for services rendered by the office to the commission. The amount of the fee may not be less than the amount appropriated to the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality in the General Appropriations Act for payment to the office ~~[natural resource conservation division]~~ to conduct commission hearings. The amount of the fee shall be based on the costs of conducting the hearings, the costs of travel expenses and telephone charges directly related to the hearings, docketing costs, and other applicable administrative costs of the office ~~[including the administrative costs of the natural resource conservation division]~~. The office and the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality shall negotiate the amount of the fixed fee biennially, subject to the approval of the governor, to coincide with the commission's legislative appropriations request.

SECTION 9. The heading to Section 2003.049, Government Code, is amended to read as follows:

Sec. 2003.049. UTILITY HEARINGS ~~[DIVISION]~~.

SECTION 10. Sections 2003.049(a), (b), and (c), Government Code, are amended to read as follows:

(a) The office shall ~~[establish a utility division to]~~ perform ~~[the]~~ contested case hearings for the Public Utility Commission of Texas as prescribed by the Public Utility Regulatory Act of 1995 and other applicable law.

(b) The office ~~[utility division]~~ shall conduct hearings relating to contested cases before the commission, other than a hearing conducted by one or more commissioners. The commission by rule may delegate the responsibility to hear any other matter before the commission if consistent with the duties and responsibilities of the office ~~[division]~~.

(c) ~~[Only an administrative law judge in the utility division may conduct a hearing on behalf of the commission. An administrative law judge in the utility division may conduct hearings for other state agencies as time allows.]~~ The office

may ~~[transfer an administrative law judge into the division on a temporary or permanent basis and may]~~ contract with qualified individuals to serve as temporary administrative law judges as necessary.

SECTION 11. Section 2003.051, Government Code, is amended to read as follows:

Sec. 2003.051. **ROLE OF REFERRING AGENCY.** (a) Except in connection with interim appeals of orders or questions certified to an agency by an administrative law judge, as permitted by law, a state agency that has referred a matter to the office in which the office will conduct a hearing may not take any adjudicative action relating to the matter until the office has issued its proposal for decision or otherwise concluded its involvement in the matter. The state agency may exercise its advocacy rights in the matter before the office in the same manner as any other party.

(b) If the office issues a proposal for decision in a matter referred to the office by a state agency, the referring agency shall send to the office an electronic copy of the agency's final decision or order in the matter.

SECTION 12. The heading to Subchapter D, Chapter 2003, Government Code, is amended to read as follows:

**SUBCHAPTER D. TAX HEARINGS ~~[DIVISION]~~**

SECTION 13. The heading to Section 2003.101, Government Code, is amended to read as follows:

Sec. 2003.101. **TAX HEARINGS ~~[DIVISION]~~.**

SECTION 14. Sections 2003.101(a), (b), (d), and (i), Government Code, are amended to read as follows:

(a) The office shall ~~[establish a tax division to]~~ conduct hearings relating to contested cases involving the collection, receipt, administration, and enforcement of taxes, fees, and other amounts as prescribed by Section 111.00455, Tax Code.

(b) An administrative law judge who presides at a ~~[in the]~~ tax hearing ~~[division]~~ is classified as a "master administrative law judge II." Section 2003.0411 does not apply to this section.

(d) To be eligible to preside at a tax ~~[division]~~ hearing, an administrative law judge, including a temporary administrative law judge contracted with under Section 2003.043, must:

(1) be a United States citizen;  
(2) be an attorney in good standing with the State Bar of Texas;  
(3) have been licensed in this state to practice law for at least seven years; and

(4) have substantial experience in tax cases in making the record suitable for administrative review ~~[or otherwise; and~~

~~[(5) have devoted at least 75 percent of the person's legal practice to Texas state tax law in at least five of the past 10 years before the date on which the person begins employment in the tax division].~~

(i) For each hearing conducted under this section, an administrative law judge ~~[in the tax division]~~ shall issue a proposal for decision that includes findings of fact and conclusions of law. In addition, the proposal for decision

must include the legal reasoning and other analysis considered by the judge in reaching the decision. Each finding of fact or conclusion of law made by the judge must be:

- (1) independent and impartial; and
- (2) based on state law and the evidence presented at the hearing.

SECTION 15. Sections 2003.103(a) and (b), Government Code, are amended to read as follows:

(a) The office [~~tax division~~] shall conduct all hearings under this subchapter in a timely manner.

(b) The office [~~tax division~~] shall use every reasonable means to expedite a case under this subchapter when the comptroller requests that the office [~~division~~] expedite the case.

SECTION 16. The heading to Section 2003.104, Government Code, is amended to read as follows:

Sec. 2003.104. CONFIDENTIALITY OF TAX HEARING [~~DIVISION~~] INFORMATION.

SECTION 17. The heading to Section 2003.105, Government Code, is amended to read as follows:

Sec. 2003.105. TAX [~~DIVISION~~] HEARINGS FEE.

SECTION 18. Section 2003.109, Government Code, is amended to read as follows:

Sec. 2003.109. RULES; EARLY REFERRAL. (a) The comptroller may adopt rules to provide for the referral to the office [~~tax division~~] of issues related to a case described by Section 111.00455, Tax Code, to resolve a procedural or other preliminary dispute between the comptroller and a party.

(b) After a referral under this section, the office [~~tax division~~] shall docket the case and assign an administrative law judge under Section 2003.101. If additional proceedings are required after the consideration of the procedural or other preliminary dispute, the office [~~tax division~~] shall appoint the same administrative law judge to hear the case.

SECTION 19. The heading to Section 111.00455, Tax Code, is amended to read as follows:

Sec. 111.00455. CONTESTED CASES CONDUCTED BY [~~TAX DIVISION OF~~] STATE OFFICE OF ADMINISTRATIVE HEARINGS.

SECTION 20. Sections 111.00455(a) and (c), Tax Code, are amended to read as follows:

(a) The [~~tax division of the~~] State Office of Administrative Hearings shall conduct any contested case hearing as provided by Section 2003.101, Government Code, in relation to the collection, receipt, administration, and enforcement of:

- (1) a tax imposed under this title; and
- (2) any other tax, fee, or other amount that the comptroller is required to collect, receive, administer, or enforce under a law not included in this title.

(c) A reference in law to the comptroller that relates to the performance of a contested case hearing described by Subsection (a) means the [~~tax division of the~~] State Office of Administrative Hearings.

SECTION 21. Section 524.032(b), Transportation Code, is amended to read as follows:

(b) A hearing shall be rescheduled if, before the fifth day before the date scheduled for the hearing, ~~[the department receives]~~ a request for a continuance from the person who requested the hearing is received in accordance with the memorandum of understanding adopted under Section 524.033(c). Unless both parties agree otherwise, the hearing shall be rescheduled for a date not earlier than the fifth day after the date ~~[the department receives]~~ the request for ~~[the]~~ continuance is received.

SECTION 22. Section 524.033, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The department and chief administrative law judge of the State Office of Administrative Hearings shall adopt and at least biennially update a memorandum of understanding establishing that the State Office of Administrative Hearings has primary scheduling responsibility for a hearing under this subchapter. The memorandum of understanding must, at a minimum:

(1) set out the roles and responsibilities of the State Office of Administrative Hearings and the department in scheduling a hearing under this subchapter, including which agency is responsible for scheduling each stage of a hearing;

(2) ensure that the State Office of Administrative Hearings and the department have timely access to scheduling and continuance information; and

(3) provide for the transfer of funding for department employees responsible for scheduling hearings under this subchapter from the department to the State Office of Administrative Hearings when the State Office of Administrative Hearings assumes responsibility for initial scheduling of hearings under this subchapter.

(d) The State Office of Administrative Hearings and the department shall consult with the Department of Information Resources and the Office of Court Administration of the Texas Judicial System in developing any information technology solutions needed to complete the transfer of scheduling responsibilities, as outlined in the memorandum of understanding adopted under Subsection (c).

SECTION 23. Section 14.052(a), Utilities Code, is amended to read as follows:

(a) The commission shall adopt and enforce rules governing practice and procedure before the commission and, as applicable, practice and procedure before the ~~[utility division of the]~~ State Office of Administrative Hearings.

SECTION 24. Sections 14.053(a) and (b), Utilities Code, are amended to read as follows:

(a) The ~~[utility division of the]~~ State Office of Administrative Hearings shall conduct each hearing in a contested case that is not conducted by one or more commissioners.

(b) The commission may delegate to the ~~[utility division of the]~~ State Office of Administrative Hearings the authority to make a final decision and to issue findings of fact, conclusions of law, and other necessary orders in a proceeding in which there is not a contested issue of fact or law.

SECTION 25. Sections 102.006(a), (b), (c), and (e), Utilities Code, are amended to read as follows:

(a) The railroad commission by rule shall provide for administrative hearings in contested cases to be conducted by one or more members of the railroad commission, by railroad commission hearings examiners, or by the ~~[utility division of the]~~ State Office of Administrative Hearings. The rules must provide for a railroad commission hearings examiner or the ~~[utility division of the]~~ State Office of Administrative Hearings to conduct each hearing in a contested case that is not conducted by one or more members of the railroad commission. A hearing must be conducted in accordance with the rules and procedures adopted by the railroad commission.

(b) The railroad commission may delegate to a railroad commission hearings examiner or to the ~~[utility division of the]~~ State Office of Administrative Hearings the authority to make a final decision and to issue findings of fact, conclusions of law, and other necessary orders in a proceeding in which there is not a contested issue of fact or law.

(c) The railroad commission by rule shall define the procedures by which it delegates final decision-making authority under Subsection (b) to a railroad commission hearings examiner or to the ~~[utility division of the]~~ State Office of Administrative Hearings.

(e) The State Office of Administrative Hearings shall charge the railroad commission a fixed annual rate for hearings conducted by the office under this section only if the legislature appropriates money for that purpose. If the legislature does not appropriate money for the payment of a fixed annual rate under this section, the State Office of Administrative Hearings shall charge the railroad commission an hourly rate set by the office under Section 2003.024(a), Government Code, ~~[of not more than \$90 per hour]~~ for hearings conducted by the office under this section.

SECTION 26. The following provisions of the Government Code are repealed:

- (1) Sections 2003.049(k) and (l);
- (2) Section 2003.101(c);
- (3) Section 2003.102;
- (4) Section 2003.106; and
- (5) Section 2003.107.

SECTION 27. (a) Section 2001.058(d-1), Government Code, as added by this Act, applies only to a hearing conducted by the State Office of Administrative Hearings on or after September 1, 2015.

(b) The State Office of Administrative Hearings shall develop and submit a legislative appropriations request in accordance with Section 2003.024, Government Code, as amended by this Act, beginning with the office's legislative appropriations request for the 2018-2019 state fiscal biennium.

(c) Section 2003.024, Government Code, as amended by this Act, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(d) Not later than September 1, 2016, the Department of Public Safety and the chief administrative law judge of the State Office of Administrative Hearings shall adopt an initial memorandum of understanding under Section 524.033(c), Transportation Code, as added by this Act.

SECTION 28. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2015.

(b) Section 524.032(b), Transportation Code, as amended by this Act, takes effect September 1, 2016.

### **HB 941 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Hernandez called up with senate amendments for consideration at this time,

**HB 941**, A bill to be entitled An Act relating to the creation of DNA records for the DNA database system.

Representative Hernandez moved to concur in the senate amendments to **HB 941**.

The motion to concur in the senate amendments to **HB 941** prevailed by (Record 1216): 135 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Keough; Krause; Rinaldi; Schaefer; Simpson; Stickland; Tinderholt; White, M.; Zedler.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Márquez.

### **Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **HB 941** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 19 and 20), strike "Article 102.020(h-1), Code of Criminal Procedure, is" and substitute "Articles 102.020(a) and (h-1), Code of Criminal Procedure, are".

(2) In SECTION 1 of the bill, following the recital (page 1, between lines 20 and 21), insert the following:

(a) A person shall pay as a cost of court:

(1) \$250 on conviction of an offense listed in Section 411.1471(a)(1), Government Code;

(2) \$50 on conviction of an offense described by [listed in] Section 411.1471(a)(3), Government Code ~~[of that code]~~; or

(3) \$34 on placement of the person on community supervision, including deferred adjudication community supervision, if the person is required to submit a DNA sample under Section 11(j), Article 42.12.

(3) In SECTION 2 of the bill, strike amended Section 102.021(14), Government Code (page 2, lines 34 through 36), and substitute the following:

(14) court cost for DNA testing for certain misdemeanors and felonies ~~[the offense of public lewdness or indecent exposure]~~ (Art. 102.020(a)(2), Code of Criminal Procedure) . . . . . \$50;

(4) In SECTION 5 of the bill, strike amended Section 411.1471(a)(3), Government Code (page 3, lines 17 and 18), and substitute the following:

(3) convicted of an offense:

(A) under Title 5, Penal Code, other than an offense described by Subdivision (1), that is punishable as a Class A misdemeanor or any higher category of offense; or

(B) under Section ~~[21.07 or]~~ 21.08, 25.04, 43.03, or 43.24, Penal Code.

### **Senate Amendment No. 2 (Senate Floor Amendment No. 2)**

Amend Floor Amendment No. 1 by Perry to **HB 941** on page 2, line 2, by inserting ", except for an offense punishable as a Class A misdemeanor under Section 20.02, 22.01, or 22.05, Penal Code" between "offense" and ";\":

### **HR 2974 - ADOPTED**

(by Miles)

Representative Miles moved to suspend all necessary rules to take up and consider at this time **HR 2974**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2974**, Commemorating the dedication of the William R. Powell Student Health and Counseling Center at Sam Houston State University.

**HR 2974** was adopted.

(Sheets in the chair)

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Smithee moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **SB 1882**, **SB 1913**, and **SJR 8** at 2 p.m. or upon final adjournment today in E2.026.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 2 p.m. or upon final adjournment today, E2.026, for a public hearing, to consider **SB 1882**, **SB 1913**, **SJR 8**, and the previously posted agenda.

(Speaker in the chair)

#### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **SB 20 ON THIRD READING**

##### **(Price, Cook, Raymond, and Kuempel - House Sponsors)**

**SB 20**, A bill to be entitled An Act relating to state agency contracting; authorizing fees; creating an offense.

**SB 20** was read third time earlier today, amendments were offered and disposed of, and **SB 20** was postponed until this time.

#### **Amendment No. 3**

Representative Keffer offered the following amendment to **SB 20**:

Amend **SB 20** on third reading by striking the SECTION of the bill adding proposed Section 2003.0495, Government Code, as added by Amendment No. 8 by Keffer on second reading.

#### **AMENDMENT NO. 3 - REMARKS**

REPRESENTATIVE WU: Chairman Keffer, I know you're doing this because you're looking out for the interests of our cities and of our utility rate payers, right?

REPRESENTATIVE KEFFER: Right.

WU: And just because this amendment is going to come off this bill does not mean that this fight is over.

KEFFER: I hope not. I hope people will take this, listen to their cities—because I think, I hope all of y'all got letters from your cities—and actually, this has come up in conversation in your offices now that everybody is aware. And we can work with the Railroad Commission, and hopefully they will rethink this rule. Or when the Sunset Commission looks at the Railroad Commission this next time, that this effort will be done once and for all.

WU: Mr. Chairman, I thank you for your leadership in this. I know this is not an easy thing to do, and you certainly don't make a lot of friends doing this, but thank you for looking out for our cities.

Amendment No. 3 was adopted.

### **REMARKS ORDERED PRINTED**

Representative D. Miller moved to print remarks between Representative Keffer and Representative Wu.

The motion prevailed.

### **Amendment No. 2 - Vote Reconsidered**

Representative Cook moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

### **Amendment No. 1 - Vote Reconsidered**

Representative Simmons moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

### **Amendment No. 4**

Representative Simmons offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Simmons to **SB 20** on third reading on page 1 by striking lines 20 and 21 and substituting the following:

(vii) a disabled individual who is a person:

(a) with one or more of the following:

(A) autism spectrum disorder, as defined by Section 1355.001, Insurance Code;

(B) developmental disability, as defined by Section 112.042, Human Resources Code;

(C) intellectual disability, as defined by Section 591.003, Health and Safety Code;

(D) severe emotional disturbance, as defined by Section 261.001, Family Code; or

(E) traumatic brain injury, as defined by Section 92.001, Health and Safety Code; or

(b) who otherwise by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self; and

Amendment No. 4 was adopted.

Amendment No. 1, as amended, was adopted.

**SB 20**, as amended, was passed by (Record 1217): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Bohac; Dukes; Fletcher; Raney.

#### STATEMENT OF VOTE

When Record No. 1217 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

#### FIVE-DAY POSTING RULE SUSPENDED

Representative Aycock moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Public Education to consider **SB 168**, **SB 945**, and **SB 1241** at 2 p.m. or upon final adjournment today in E2.036.

The motion prevailed.

**MOTION TO SUSPEND FIVE-DAY POSTING RULE**

Representative Cook moved to suspend the five-day posting rule and all necessary rules to allow the Committee on State Affairs to consider **SB 838**, **SB 1252**, **SB 1708**, **SB 1968**, and **SB 2048** at 10:30 a.m. or upon final adjournment/recess tomorrow in JHR 140.

The vote of the house was taken on the motion to suspend the five-day posting rule and all necessary rules and the vote was announced yeas 94, nays 51.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1218): 91 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Faircloth; Herrero; McClendon; Nevárez; Reynolds; Smithee; Tinderholt.

The speaker stated that the motion to suspend the five-day posting rule and all necessary rules was lost by the above vote.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Education, 2 p.m. or upon final adjournment today, E2.036, for a public hearing, to consider **SB 168**, **SB 945**, **SB 1241**, and the previously posted agenda.

Economic and Small Business Development, upon final adjournment today, Desk 14, for a formal meeting, to consider pending business.

Urban Affairs, upon final adjournment today, Desk 3, for a formal meeting, to consider **SB 631, SB 1315, SB 1316, SB 1453, SB 1716, and SB 1989**.

Licensing and Administrative Procedures, upon final adjournment today, Desk 9, for a formal meeting, to consider pending business.

Corrections, 7 p.m. today, 2402 San Gabriel Street, for a work session.

General Investigating and Ethics, 2:15 p.m. today, 1W.14, for a formal meeting, to consider **SB 10**.

Public Health, upon final adjournment today, 1W.14, for a formal meeting, to consider **SB 1243** and pending business.

Ways and Means, upon final adjournment today, Desk 1, for a formal meeting, to consider pending business.

(Kacal in the chair)

#### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Herrero on motion of Walle.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Nevárez on motion of Gutierrez.

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative S. King moved to suspend the five-day posting rule to allow the Committee on Defense and Veterans' Affairs to consider **SB 1463** at 8 a.m. tomorrow in E2.026.

The motion prevailed.

Representative D. Miller moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Special Purpose Districts to consider **SB 1362, SB 1363, SB 2008, SB 2015, SB 2035, SB 2047, and SB 2064** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

#### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Faircloth on motion of Burns.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Special Purpose Districts, 8 a.m. tomorrow, E2.012, for a public hearing, to consider **SB 1362, SB 1363, SB 2008, SB 2015, SB 2035, SB 2047, and SB 2064.**

Defense and Veterans' Affairs, 8 a.m. tomorrow, E2.026, for a public hearing, to consider **SB 1463** and the previously posted agenda.

### **ADJOURNMENT**

Representative Geren moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 2:14 p.m., adjourned until 10 a.m. tomorrow.

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## **APPENDIX**

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### **STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

#### **May 18**

Business and Industry - **SB 1168, SB 1313, SB 1367, SB 1420, SB 1852**

Criminal Jurisprudence - **SB 662, SB 873**

Defense and Veterans' Affairs - **SB 961, SB 1308, SB 1532, SB 1737,**  
**SCR 26**

Energy Resources - **SB 12**

Higher Education - **SB 907**

Human Services - **SB 37, SB 200, SB 202, SB 204, SB 277, SB 304,**  
**SB 1664**

Insurance - **SB 1196**

Judiciary and Civil Jurisprudence - **SB 1139**

Licensing and Administrative Procedures - **SB 828, SB 1007**

Natural Resources - **SB 523, SB 1336, SB 2049**

Public Health - **SB 195**

Special Purpose Districts - **SB 1002, SB 1005, SB 2007, SB 2025, SB 2032,**  
**SB 2033**

State Affairs - **SB 374, SB 1105, SB 2065**

Transportation - **SB 321, SB 1171, SB 1436, SB 1512, SB 1831, SB 1987**

Ways and Means - **SB 593**

**ENROLLED**

**May 18 - HB 115, HB 158, HB 431, HB 437, HB 495, HB 601, HB 643, HB 705, HB 795, HB 834, HB 1133, HB 1148, HB 1388, HB 1662, HB 1756, HB 2022, HB 2200, HB 2208, HB 2272, HB 2394, HB 2400, HB 2419, HB 2491, HB 2604, HB 2809, HB 2819, HB 2894, HB 2913, HB 3081, HB 3628, HB 4139, HB 4141, HB 4153**

**SENT TO THE GOVERNOR**

**May 18 - HB 75, HB 821, HB 1232, HB 1584, HB 2119**

**SIGNED BY THE GOVERNOR**

**May 18 - HB 40, HB 593, HCR 43, HCR 88**

**VETOED BY THE GOVERNOR**

**May 18 - HCR 84**